

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

BLAKE L. REYES,

Plaintiff,

v.

Civil No. 08-1335-HA

SOCIAL SECURITY  
ADMINISTRATION,

ORDER

Defendant.

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HAGGERTY, District Judge:

By Order issued February 5, 2009, plaintiff was directed to file a formal Response to defendant's Motion to Dismiss [12] by March 2, 2009. As this court has advised, a district court may dismiss an action for non-prosecution. Fed. R. Civ. P. 41(b); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992). In determining whether to dismiss an action for lack of prosecution,

the district court is required to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendant; (4) the public policy favoring disposition of cases on their merits and (5) the availability of less drastic sanctions. *See Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988), *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986).

Here, despite ample time to respond or to seek leave to amend, and despite the notice provided by the dispositive motion from defendant, plaintiff has failed to prosecute this action in a timely fashion. Accordingly, the court is compelled to dismiss the case with prejudice. Moreover, this court has examined defendant's dispositive motion and concludes that the motion is meritorious. Defendants' Motion to Dismiss for Lack of Jurisdiction [12] presents alternative grounds for dismissing the case with prejudice.

IS SO ORDERED.

DATED this   9   day of March, 2009.

          /s/ Ancer L. Haggerty            
Ancer L. Haggerty  
United States District Judge